

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LORI CONNORS,

Case No. 2:15-CV-2379 JCM (NJK)

Plaintiff(s):

ORDER

V.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

Presently before the court is Magistrate Judge Koppe’s report and recommendation (“R&R”), regarding plaintiff Lori Connors’s (“plaintiff”) motion to remand to the Social Security Administration (ECF No. 22) and defendant Carolyn Colvin’s (the “commissioner”) crossmotion to affirm (ECF No. 24). (ECF No. 26). No objections have been filed, and the deadline for filing objections has since passed.

On October 1, 2013, plaintiff filed applications for disability insurance benefits and supplemental security income, alleging that she became disabled on August 1, 2013. The commissioner denied plaintiff's applications initially and on reconsideration.

Thereafter, plaintiff requested a hearing before an administrative law judge (“ALJ”), which convened on April 2, 2015. The ALJ overseeing the case found plaintiff not disabled as defined by the Social Security Act. The ALJ’s decision became final on October 8, 2015, when the appeals council denied plaintiff’s request for review.

On December 14, 2015, plaintiff commenced the underlying action seeking judicial review of the ALJ's decision pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3). (ECF No. 1). On April 4, 2016, the commissioner filed an answer. (ECF No. 16).

**James C. Mahan
U.S. District Judge**

1 Subsequently, plaintiff filed a motion to remand the action to the Social Security
2 Administration (ECF No. 22), to which the commissioner responded (ECF No. 25). In addition,
3 the commissioner filed a crossmotion to affirm. (ECF No. 24).

4 In the instant R&R, Magistrate Judge Koppe recommends that plaintiff's motion to remand
5 be denied and that the commissioner's crossmotion to affirm be granted. (ECF No. 26). After
6 reviewing the administrative record as a whole and weighing the evidence, the magistrate found
7 that substantial evidence supported the ALJ's decision under 42 U.S.C. § 405(g) and that the ALJ
8 did not commit legal error. (ECF No. 26).

9 This court "may accept, reject, or modify, in whole or in part, the findings or
10 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
11 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
12 determination of those portions of the [report and recommendation] to which objection is made."
13 28 U.S.C. § 636(b)(1).

14 Where a party fails to object, however, the court is not required to conduct "any review at
15 all . . . of any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 149
16 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
17 magistrate judge's report and recommendation where no objections have been filed. See United
18 States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
19 employed by the district court when reviewing a report and recommendation to which no
20 objections were made).

21 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
22 whether to adopt the recommendation of Magistrate Judge Koppe. Upon reviewing the
23 recommendation and underlying briefs, the court finds that good cause appears to ADOPT the
24 magistrate judge's findings.

25 Accordingly,

26 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
27 Koppe's report and recommendation (ECF No. 26) be, and the same hereby is, ADOPTED in its
28 entirety.

1 IT IS FURTHER ORDERED that plaintiff Lori Connors's motion to remand (ECF No. 22)
2 be, and the same hereby is, DENIED.

3 IT IS FURTHER ORDERED that defendant Carolyn Colvin's crossmotion to affirm (ECF
4 No. 24) be, and the same hereby is, GRANTED.

5 The clerk shall enter judgment accordingly and close the case.

6 DATED January 12, 2017.

7 
8 UNITED STATES DISTRICT JUDGE

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